

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, October 11, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, September 6, September 27, and October 4, 2006 Worksessions.

Action: Approved as amended, (DLB/CLH, 4-0).

2. **A-6158, Appeal of Alexander Boyle and Elizabeth Roberts** (Historic Preservation Commission - Approval of Historic Area Work Permit No. 421443). Letter to the Board from Norman Knopf, Esquire, requesting to intervene.

Action: Granted the request to intervene, (DLB/AMC, 4-0).

3. **A-6163, Petition of David M. Kaplan** (accessory structure). Letter to the Board from Paul Arquette, AIA, withdrawing the variance request and requesting a refund of the filing fee.

Action: (1) Dismissed the petition as withdrawn; (2) granted 50% (\$200.00) refund of the filing fee, (CLH/AMC, 4-0).

4. **CBA-864 [CBA-1233, CBA-2397, S-380], Petition of Potomac Swim and Recreation Association** (community swimming pool). Letter to the Board from Jody Kline, Esquire, and Soo Lee-Cho, Esquire, requesting an administrative modification. [Large exhibits: pool house elevation and pavilion floor plans].

Action: Granted administrative modification, (AMC/CLH, 4-0).

5. **CBA-2077 [CBA-2077-A], Petition of Amoco Oil Company**. Letter to the Board from Susan Reutershan, Esquire, submitting an approved landscape and lighting plan. [Large exhibit: approved landscape and lighting plan].

Action: Item deferred until 10/25/06 Worksession, consensus.

6. **S-597, Petition of Dr. H. Steven Steinberg by VCA Veterinary Referral Associates Animal Hospital** (veterinary hospital). Letter from Thomas Carroll, Esquire, submitting a site plan with the T-Mobile installation. [Large exhibit: site plan/elevations/compound details].

Action: Re-opened the record to include Mr. Carroll's letter with attachments, (AMC/CLH, 3-0/AIF/recused).

7. **S-687-F [S-687-G], Petition of Bullis School, Inc.** (private educational institution). Letter to the Board from Soo Lee-Cho, Esquire, requesting an administrative modification. [Large exhibit: site plan].

Action: Item deferred until 10/25/06 Worksession, consensus.

8. **S-1128, Petition of Nerino and Inez Aldrighetti** (accessory apartment). Letter to the Board from Katrina MacLeod and Timothy Horiuchi requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (DLB/CLH, 4-0).

9. **S-1156, Petition of Jill Lancelot** (accessory apartment). Letter to the Board from Christian Layke requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (DLH/AMC, 4-0).

10. **S-2460, Petition of Grace House** (assisted living facility). Letter to the Board from Casey Moore, Esquire, withdrawing the administrative modification request in a letter dated 6/29/06 from Stephen Orens, Esquire, and Casey Moore, Esquire. Also included is a letter of opposition from David Dieffenbach.

Action: (1) Re-opened the record to include Mr. Dieffenbach's letter; (2) granted request to strike Item 8 the in Board's Resolution dated 9/13/06; (3) dismissed request to modify the approved landscape plan; (4) approved plantings to be installed by 11/15/06; (AMC/DLB, 4-0).

11. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting a transfer of the special exception.

Action: Item deferred until 10/25/06 Worksession, consensus.

INFORMATION ITEM:

12. **S-68 [CBA-2255], Petition of Scott Shuck d/b/a Grosvenor Market, Inc.** (delicatessen within a multiple family structure). Order from the Circuit Court.

Action: Re-opened the record to include the Circuit Court Order, (DLB/CLH, 4-0).

DECISION ITEMS:

13. **S-289-B, Petition of Little Falls Swim and Tennis Club** (community swimming pool) Fourth Supplemental Hearing Examiner's Report and Recommendation.

Action: Item deferred until 10/25/06 Worksession, consensus.

PENDING ITEMS:

14. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Joint Status Report and Motion to Stay from Todd Brown, Esquire; Joseph Lapan, Esquire; and Malcolm Spicer, Esquire. Also included is a letter from the Department of Fire and Rescue Services. (1) Granted continuance of the appeal until 10/26/06; (2) Board to receive status report in 90 days. [W/S 4/19/06].
15. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].
16. **CBA-1174 and S-2503, Petition of Holton-Arms School, Inc.** (private educational institution and co-educational summer day camp). Letter to the Board from Diana Coulton Beebe, Head of School, submitting the school's annual report. (1) Re-opened the record to include Ms. Beebe's letter with attachment; (2) school to confirm dates and attendance of meetings with liaison committee. W/S 9/27/06.
17. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].
18. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5/4/05].
19. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].
20. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2/8/06].
21. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].
22. **S-1884, Petition of Chakarat Sukachevin** (non-resident medical practitioner). Letter to the Board from Keith Rosa, Esquire, requesting a transfer and an administrative modification. (Large exhibits: landscape plan, front, right elevations and floor plans). Item deferred for additional information regarding landscaping and the stripping of the parking lot. [W/S 9/27/06].

PENDING ITEMS (continued):

23. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].
24. **S-2222, Petition of Woodfield Country Market, LLC** (automobile filling station). Letter to the Board from Inja Kim, DWDB, LLC, requesting a transfer of the special exception. Item deferred for additional information.. [W/S 9/27/06].
25. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen as been removed. [W/S 7/26/06].
26. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].
27. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time, consensus. [W/S 5-31-06].
28. **S-2459, Petition of Hampshire Village Associates** (life care facility). Inspection reports from Barbara Piczak, Inspector, DPS, regarding the special exception's Community Council and its parking. Board will receive an additional inspection report after the compliance deadline. [W/S 6/28/06].
29. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06, (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].
30. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].
31. **S-2666, Petition of Orlando Martinez and Martha Gaitan** (accessory apartment). Hearing Examiner's Report and Recommendation. Item deferred until receipt of a revised landscape plan. [W/S 6/28/06].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair
Angelo M. Caputo
Wendell M. Holloway - ABSENT
Caryn L. Hines

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist